



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

MPR:RCH
F. #2019R00927

*271 Cadman Plaza East
Brooklyn, New York 11201*

July 24, 2020

By ECF

The Honorable Brian M. Cogan
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Genaro Garcia Luna
Criminal Docket No. 19-576 (BMC)

Dear Judge Cogan:

The parties respectfully submit this written status update to the Court in the above-captioned matter. In light of the COVID-19 pandemic presently affecting New York City, the parties respectfully request that the Court adjourn the status conference scheduled for July 30, 2020 for 60 days. The parties agree that an order of excludable delay is appropriate until the next status conference, based on the Court's previous complex case designation in this matter and Administrative Order 2020-20.

- Discovery
 - The government continues the process of collecting and reviewing discovery for production to the defendant on a rolling basis. Following the parties' last status letter on June 1, 2020, the government made an additional discovery production today, July 24, 2020, totaling more than 60,000 pages of documents. That production is being sent to the defense by FedEx today. That production includes, among other things, statements of the defendant, financial records, business records, intercepted communications and files from Mexican law enforcement. See Dkt. No. 43.
 - The government also is awaiting responses from outstanding subpoenas, including subpoenas to the defendant and his companies. In addition, the government has submitted Mutual Legal Assistance Treaty requests for evidence in the possession of several foreign governments, including the

Government of Mexico, and the government is awaiting responses to those requests.

- The government has been working with defense counsel and the Bureau of Prisons to facilitate the defendant's review of non-protected discovery at the Metropolitan Detention Center ("MDC"). On May 29, 2020, the government made its third discovery production to the defense. The government also produced the non-protected material from that production to the defendant at the MDC, which he received. The government then arranged to produce the non-protected material from the first two discovery productions that were more voluminous to the defendant at the MDC and had discussions with BOP officials regarding providing the defendant with access to a laptop and/or a desktop computer to facilitate his review of the voluminous discovery in this case. On June 25, 2020, the government sent the remaining discovery to the MDC on a thumb drive. On July 15, 2020, defense counsel contacted the government, and informed it that the defendant had not yet received that material. That same day, the government contacted the MDC, which subsequently informed the government that the defendant did not receive that discovery, because it was on a thumb drive and not on approved removable media. The government intends to reproduce those materials along with the non-protected discovery in its production of today to the defendant as soon as possible and no later than next week.

- Trial Preparation

- The parties continue to face delays in preparing for trial in this case, in light of the pandemic, including limitations on the government's ability to meet with incarcerated witnesses and limitations on defense counsel's ability to meet with the defendant.

- CIPA

- The government continues to face delays due to the pandemic in taking the necessary steps to complete litigation pursuant to the Classified Information Procedures Act, 18 U.S.C. App. 3, §§ 1-16 ("CIPA"), in this case, including limitations on its ability to review pertinent materials. The government expects

to file its motion for a pretrial conference pursuant to Section 2 of CIPA, once it is has a better sense of the anticipated schedule for completing CIPA litigation.

Respectfully submitted,

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cc: Cesar de Castro, Esq.
Clerk of the Court (BMC) (by ECF)